

ORDINANCE NO. 2016-3633

AN ORDINANCE AMENDING CHAPTER 86 “DEVELOPMENT REGULATIONS” OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, TEXAS BY ADOPTING COMPREHENSIVE GUIDELINES, RULES AND REGULATIONS FOR SUBDIVISION AND DEVELOPMENT OF LAND IN THE CITY OF LA PORTE; PROVIDING THAT ANY PERSON VIOLATING THE TERMS OF THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE FINED IN A SUM NOT TO EXCEED TWO THOUSAND DOLLARS; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; CONTAINING A REPEALING CLAUSE; CONTAINING A SEVERABILITY CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS:

Section 1: That Chapter 86, “Development Regulations”, of the Code of Ordinances of the City of La Porte, Texas, is hereby amended in its entirety and shall hereinafter read as follows:

“Article I. In General.

Sec. 86-1. Purpose.

- (a) It is the intent of this chapter for the City to outline the requirements for subdividers, developers, applicants, engineers, surveyors, realtors and other persons interested and involved in the subdivision and development of land.
- (b) It is also the intent, purpose and scope of this chapter to promote the vision, goals and policies of the City’s Comprehensive Plan and all of its components and to protect the health, safety and general welfare of the public.

Sec. 86-2. Statutory authority and jurisdiction.

- (a) Pursuant to the authority granted to cities and counties under the constitution and laws of the state, including the provisions of Texas Local Government Code Chapter 212, and as amended, the City Council does hereby adopt the rules and regulations established in this chapter governing the subdivision and development of land within the city limits provided, however, that the City of La Porte excludes from the terms, conditions and effects of this chapter and all amendments hereto, unsubdivided development in the extraterritorial jurisdiction of the City, and land included within the boundaries of any Industrial District or Districts that may be hereafter created by the City of La Porte and amendments thereto of the Texas Local Government Code.

(b) The Approving Authority shall review all plans, plats, and all accompanying documentation required in this chapter, and require developer and subdivider compliance with the applicable state law, this chapter, the Zoning Ordinance of the City of La Porte, other applicable ordinances of the City of La Porte, the City of La Porte Comprehensive Plan, and approved written policies and procedures of the City of La Porte.

(c) If any section of this chapter is in conflict with other provisions of this chapter or any other ordinance, the more restrictive rule or regulation shall apply.

Sec. 86-3. Conformance requirements.

(a) In so implementing this chapter, the City may, as needed, utilize policies in the City's Comprehensive Plan, including but not limited to the future land use plan and corresponding provisions, as well as complementary general design and construction standards approved by ordinance by City Council.

(b) All development must also be in compliance with the City's Public Improvement Criteria Manual (PICM), where applicable.

(c) It shall be unlawful for any owner or agent of any owner of land to layout, subdivide, resubdivide, plat, or replat any land within the City of La Porte or its extraterritorial jurisdiction without an approved City Development Authorization. In addition, it shall be unlawful for any owner or agent of any owner of land to cause the development of any land within the corporate limits of the City of La Porte, without an approved City Development Authorization. It shall be unlawful for any such owner or agent to offer for sale or sell property therein or thereby, which has not been laid out, subdivided, re-subdivided, platted, replatted or developed without the approvals required in this Chapter, subsequent to the passage of this Chapter.

(d) The City shall withhold all City improvements of whatsoever nature, including the maintenance of streets and the furnishing of utilities from all subdivisions or developments not in conformance with the provisions of this Chapter.

(e) No Building Permit shall be issued for the erection or improvements of any building in the City's jurisdiction not located within an approved and recorded subdivision plat or within an approved Development Site Plan as defined herein.

Sec. 86-4. Definitions.

For the purpose of this ordinance the following various terms, phrases and words, will have the meaning ascribed to them herein. When not inconsistent with the context, words used in present tense include the future; words used in singular include the plural; words used in plural include the singular; "shall" is mandatory; and "may" is permissive. Any office referred to herein by title will include the person employed or appointed for that position or its duly authorized deputy or representative. Terms, phrases or words not expressly defined herein are to be considered in accordance with customary usage.

AGRICULTURAL USE: Any activity related to the cultivation of the soil, the producing of crops to human food, animal feed or planting seed or for the production of fibers; floriculture, viticulture or horticulture raising or keeping of livestock; and planting cover crops or leaving land idle for the purpose of participating in any governmental program or recognized, normal crop or livestock rotation procedure. A residential unit and related accessory buildings located solely for one or more of the purposes described in the preceding sentence shall be deemed an agricultural use.

ALLEY: A public right-of-way that is used for utility installation or for secondary access to individual properties that have their primary access from an adjacent public street or an approved common or compensating open space or court yard that has direct access to a public street.

APPROVING AUTHORITY: The Planning and Zoning Commission or the City official having authority to sign plats or plans signifying City approval of said plats or plans. For Minor Developments and Administrative Plats, the Approving Authority is the Director of Planning and Development. For all other developments or subdivisions, the Approving Authority is the Planning and Zoning Commission.

BUILDING SETBACK LINE: A line that is the required minimum distance from the street right-of-way line or easement line or any other lot line that establishes the area where any structure must be erected or placed.

BLOCK: An identified tract or parcel of land established within a subdivision surrounded by a street or a combination of streets and other physical features that may be further subdivided into individual lots or reserves.

BUILDING PERMIT: A permit for improvements granted by the Chief Building Official under the provisions of the City Building Regulations currently in force and effect. As used herein, the term "improvement" shall include the construction, enlargement, alteration, repair, removal, or conversion of a building or structure.

CHIEF BUILDING OFFICIAL: The City officer or other designated authority charged with the administration and enforcement of the City Building Regulations, or his/her authorized representative.

CITY: The City of La Porte, Texas.

CITY BUILDNG REGULATIONS: All building regulations referred to in and incorporated by Chapter 82 of the City's Code of Ordinances.

CITY COUNCIL: The City Council of the City of La Porte, Texas.

CITY SECRETARY: The person holding the office of City Secretary under the terms of the La Porte Charter, or her/his designated representative.

COMMISSION: The Planning and Zoning Commission of the City.

COMPENSATION OPEN SPACE: Those areas designated on a plat or plan that are restricted from development, except for landscaping and recreational uses and which all owners of residential properties within the plat have a common legal interest or which are retained in private ownership and restricted from development, except for landscaping and recreational uses, for the exclusive use of all owners of residential

property within the plat, and such designation shall remain in effect until the plat is vacated or the tract is replatted. The terms “compensating open space”, “common open space”, “common property” and “common area” may be used interchangeably and may be considered as similar.

COMPREHENSIVE PLAN: A long- range plan adopted by the City Council in accordance with Texas Local Government Code Chapter 213 and as such plan is periodically amended or updated, which is intended to guide the development of the City and that includes analysis, recommendations and proposals for the community’s population, economy, housing, transportation, community facilities and infrastructure.

COUNTY: Harris County, Texas

DEPARTMENT: The Planning and Development Department of the City of La Porte.

DEVELOPER: The legal or beneficial owner or owners of a lot or any land included in a proposed development including the holder of an option or contract to purchase, or other persons having property interests in such land.

DEVELOPMENT: The process of converting land within the City’s jurisdiction from its natural state, or altering the elevation of property or converting its existing usage to residential, commercial or industrial uses. This definition encompasses any and all physical changes to the land not regulated through the City Building Code inherent in such conversions. The term development includes subdivisions as defined herein.

DEVELOPMENT AUTHORIZATION: A document issued by the Department for the development of land within the City’s jurisdiction. A Development Authorization is issued after final approval of a Subdivision Plat or Development Site Plan by the City Approving Authority, and authorizes the construction of improvements not regulated by the City Building Code.

DEVELOPMENT, MAJOR: Any development not qualifying as a Minor Development, as the term “Minor Development” is defined herein.

DEVELOPMENT, MINOR: Any project or development that involves no more than ten (10) acres of land and where the total square footage of all buildings on the site does not exceed 150,000 square feet and presents no conflict with the City’s Comprehensive Plan.

DIRECTOR: The Director of the Planning and Development Department or designated representative.

DWELLING UNIT: A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

EASEMENT: A right given by the owner or a parcel of land to another person, public agent or private corporation for specific and limited use of that parcel.

EXTRATERRITORIAL JURISDICTION: The unincorporated territory outside of and contiguous to the City limits of the City established by the authority of Texas Local Government Code Chapter 42.

ELECTRONIC FORMAT: Information recorded in a manner that requires a computer or other electronic devise to display, interpret and process it, including .pdf or other similar formats.

ENGINEER: A Professional Engineer licensed by the Texas Board of Professional Engineers.

FILING DATE: The date when a Development Site Plan, General Plan, or a Subdivision Plat is formally presented to the Approving Authority for its approval and is registered as a part of the Approving Authority's official records.

FLOOD HAZARD AREA: Those areas of the City designated as having a greater chance of flooding from natural disasters such as rainstorms or hurricanes. Such areas are shown on the official flood insurance rate maps (FIRM) established by FEMA and adopted by City Council.

FLOOD HAZARD PREVENTION ORDINANCE: The ordinance adopted by the City Council and codified in Chapter 94 "Floods" of the La Porte, Texas Code of Ordinances that defines the special flood hazard areas of the City and regulates land development more restrictively within such areas.

GENERAL PLAN: A map or plan illustrating the general design features and street layout of a proposed development which is proposed to be platted and developed in phases. This plan, when approved by the Commission, constitutes a guide which the Commission should refer to in the subsequent review of Subdivision Plats or Development Site Plans that cover portions of the land contained within the General Plan, as well as adjacent property.

HARRIS COUNTY ROAD LAW: A special law of the State of Texas found in Acts 1913, Special Laws, Chapter 17, as may be from time to time amended.

INDUSTRIAL DISTRICTS: That land within the extraterritorial jurisdiction of the City of La Porte, and either:

- (a) Being designated as the "Battleground Industrial District of La Porte, Texas" in Ordinance 729, passed by the City Council of the City of La Porte; or
- (b) Being designated as the "Bay Port Industrial District of La Porte, Texas" in Ordinance 842, passed by the City Council of the City of La Porte; or
- (c) Being designated as the "South La Porte Industrial District of La Porte, Texas" in Ordinance 98-2258, passed by the City Council of the City of La Porte.

LOT: An undivided tract or parcel of land contained within a block or designated on a Subdivision Plat by numerical identification.

MOBILE HOME PARK: An unsubdivided development divided into mobile home sites for rent and for the installation of mobile home thereon.

MOBILE HOME SUBDIVISION: A subdivision divided into mobile home lots for sale.

MONUMENT: A fixed reference point or object located convenient to proposed developments in La Porte that the City or another governmental agency has determined the elevation above mean sea level and the geographic location within the Texas Plane Coordinate System.

MONUMENT SYSTEM: A monument system established by the City to provide horizontal and vertical survey control for land development in La Porte within a common frame of reference. A document describing the City Monument System is published separately.

ONE-FOOT RESERVE: A strip of land one foot wide and within public street right of ways and adjacent to subdivision reserves or adjacent acreage to prevent access to said public street until the reserve or adjacent acreage has been platted in accordance with this Ordinance [these regulations].

PLAN, DEVELOPMENT SITE: A site plan for unsubdivided developments certified by the land owner and by a Professional Engineer or Registered Public Surveyor, executed by the City Approving Authority and prepared as specified in Section 86-7 of this Chapter.

PLANNED UNIT DEVELOPMENT: A land area characterized by a unified site design which: (1) has individual building sites and provides common open spaces; and (2) is designed to be capable of satisfactory use and operation as a separate entity without necessarily having the participation of other building sites or other common property. The ownership of the common property may be either public or private. A Planned Unit Development may include subdivisions. It may be a single Planned Unit Development as initially designed; or as expanded by annexation of additional land area; or a group of contiguous Planned Unit Developments, as separate entities or merged into a single consolidated entity.

PLANNING CONSULTANT: A certified land planner, Texas registered professional engineer, Texas registered land surveyor, Texas registered architect, or other qualified consultant, who performs land planning services to subdividers or developers for a fee.

PLAT, ADMINISTRATIVE: A replat or subdivision of land totaling ten (10) acres or less, and involving four (4) or fewer lots fronting on an existing streets and not requiring the creation of any new street or the extension of municipal facilities or the aggregation of multiple lots into one lot.

PLAT, AMENDING: A plat, previously approved by the Commission and duly recorded, which is resubmitted to the Commission for re-approval and recording which contains dimensional or notational corrections or erroneous information contained on the originally approved and recorded plat. An amending plat is not to be considered as a replat or resubdivision and may not contain any changes or additions to the physical characteristics of the original subdivision, but is intended only to correct errors or mis-calculations as allowed under the provisions of Chapter 212 of the Texas Local Government Code.

PLAT, FINAL: A map or drawing of a proposed subdivision prepared in a manner suitable for recording in the appropriate County records and prepared in conformance with Sec. 86-8(c), et seq. of this Ordinance.

PLAT, PRELIMINARY: A map or drawing of a proposed subdivision illustrating its development features for review, prepared as specified in Sec. 86-8(b), et seq. of this ordinance.

PLAT, STREET DEDICATION: A map or drawing suitable for recording in the appropriate county records illustrating the location of a right-of-way intended for dedication within a specific tract of land.

PUBLIC IMPROVEMENTS CRITERIA MANUAL (PICM): The set of standards set forth by the Director of Planning and Development Department and approved by the City Council to determine the specific technical requirements for construction of public improvements. The manual may be acquired from the Planning and Development Department, and is on file in the City Secretary's Office.

RESERVE: A parcel of land within a Subdivision Plat or Development Site Plan reserved from current development. A reserve may be restricted to a special use such as drainage, recreation or common area. Reserves within the subdivisions not restricted in use may be shown as “unrestricted”.

RESUBDIVISION OR REPLAT: The relocation or removal of existing streets or lots by re-platting as allowed under the provisions of Chapter 212, Texas Local Government Code, and as amended.

RIGHT-OF-WAY: A strip of land acquired by reservation, dedication, prescription or condemnation and used or intended to be used as a road, utility installation, crosswalk, railroad, electric transmission lines, or other similar use.

SPECIAL USE SITES: A location shown on the Comprehensive Plan where a proposed school, park, public building or other public facility is to be located.

STREETS, COLLECTOR: A street designed to serve equally the functions of access and movement. Collector streets serve as links between local streets and arterials.

STREET, CUL- DE- SAC: A local street having one end open to vehicular traffic and having one closed end terminated by a turnaround.

STREET, LOCAL: A neighborhood or minor street whose primary purpose is to provide access to abutting properties.

STREET, PRIMARY ARTERIAL: An expressway, freeway, or primary thoroughfare whose primary function is the movement of traffic.

STREET, PRIVATE: A vehicular access way, under private ownership and maintenance, providing access to buildings containing residential dwelling units without direct access to an approved public street right-of- way. Parking lots and private driveways within shopping centers, commercial areas and industrial developments shall not be considered as private streets.

STREET, PUBLIC: A publically owned or maintained right- of- way, however designated, dedicated or acquired, which provides vehicular access to adjacent properties.

STREET, SECONDARY ARTERIAL: A primary thoroughfare whose predominant function is the movement of traffic but which provides more access than normally associated with a primary arterial.

STREET, STUB: A public street not terminated by a permanent circular turnaround, ending adjacent to undeveloped property or acreage and intended to be extended at such time as the adjacent undeveloped property or acreage is subdivided or developed.

STREET, THOROUGHFARE: A public street designed for heavy traffic and intended to serve as a traffic artery of considerable length and continuity throughout the community and so designated on the latest edition of the City-Thoroughfare Plan as contained in the City’s Comprehensive Plan.

SUBDIVIDER: Any owner or authorized agent thereof, proposing to divide, or dividing, land so as to constitute a subdivision according to the terms and provisions of this Chapter. A subdivider is further defined to be a developer.

SUBDIVISION: A division of any tract of land into two (2) or more parts for the purpose of laying out any subdivision or any tract of land or any addition to the City, or for laying out suburban lots or building lots, or any lots, and streets, alleys or parts or other portions intended for public use or the use of the purchasers or owners of lots fronting thereon or adjacent thereto. A subdivision includes re-subdivision (replat) but it does not include the division of land for agricultural purposes in parcels or tracts of five (5) acres or more and not involving any new streets, alleys or easements of access. A subdivision is further defined to be a development.

SUBDIVISION, MAJOR: Any subdivision not qualifying as a minor subdivision, as the term “minor subdivision” is defined herein.

SUBDIVISION, MINOR: A subdivision involving less than ten (10) acres of land, which has no common area or reserves, has no adjacent stub street right of ways, and requires no change to the City’s Comprehensive Plan.

SUBMITTAL DATE: The date and time specified in this chapter when plans, plats, related materials and fees must be received by the City prior to the next regular meeting of the commission in order to be considered at such meeting. The “submittal date” is not to be considered as the “filing date” as herein defined.

SURVEYOR: A surveyor licensed by the Texas Board of Professional Land Surveying.

TITLE CERTIFICATE (ABTRACTOR’S CERTIFICATE, PLANNING LETTER): A certificate prepared and executed by a title company authorized to do business in the State of Texas or an attorney licensed in the State of Texas describing all encumbrances of record which affect the property together with all deeds recorded from and after the effective date of this Chapter which shall include any part of the property included in a subdivision plat or development site plan.

WAIVER: Permission granted in writing by the Commission to depart from the literal requirements of this Chapter.

ZONING ORDINANCE: The Zoning Ordinance of the City of La Porte, Texas, codified as Chapter 106 in the La Porte Texas Code of Ordinances, together with any amendments thereto.

Sec. 86-5. Pre-development Applicant Consultation.

(a) The developer or owner of land may choose to schedule a Pre-development Applicant Consultation (PAC) meeting with the Director. The PAC meeting is intended to provide information on the City’s review process, procedures and requirements and allow for dialogue between the City and developer or owner of land prior to submittal of any development application outlined in this chapter.

Sec. 86-6. General Plans.

(a) General Plans are required for all phased projects involving Major Subdivisions or Major Developments. The General Plan is to be designed to illustrate the general design features of a subdivision or development which is proposed to be developed or platted in phases or sections. This plan, when approved by the Commission, constitutes a guide which the Commission will refer to in the subsequent review of plans or plats that cover portions of the land contained within the general overall plan and adjacent properties. Should the developer's future plans change, such changes are to be disclosed to the Department by filing a new General Plan.

(b) Application shall be submitted to the Department at least three (3) weeks before the date which Commission review is requested, unless otherwise approved by the Director.

(c) Application shall consist of all required documentation submitted either electronically or one (1) paper copy in a 24"x36" format.

(d) The following information must be submitted as part of a General Plan submission:

- (1) Application and applicable fee.
- (2) Development checklist.
- (3) Project description letter.
- (4) Any additional information required by the Director.
- (5) The General Plan shall graphically contain the following:
 - a. Name of the development.
 - b. Legal description of the site.
 - c. Existing and proposed zoning.
 - d. Name and contact information of the developer.
 - e. Name and contact information of the project design team.
 - f. Developer/Owner signature block.
 - g. City approval signature block.
 - h. Scale of plan in engineering format.
 - i. North arrow.
 - j. Vicinity map showing relation of development to surrounding streets, railroads and watercourses.
 - k. Perimeter boundary of the property.
 - l. Identification of each phase of development and proposed land use/s for each phase.

- m. Label adjacent subdivisions, streets, easements, water courses, acreage tracts, and other natural and manmade features.
 - n. Show land contours at one foot intervals.
 - o. Identify required building lines adjacent to all existing or proposed public and private streets and alleys.
 - p. If building locations are known, include the footprint of each building, indicating the building type, building height, number of stories, floor area, and density of residential development.
 - q. Show rights-of-way for all streets and alleys either existing or proposed within or adjacent to the general plan boundaries. Indicate right-of-way width of all streets as identified in the PICM. Identify whether streets are intended to be public or private.
 - r. Indicate approximate location, widths, and types for all easements whether existing or proposed within or adjacent to the general plan boundaries.
 - s. Identify the location of all existing public utilities within or adjacent to the general plan boundaries and how each phase of development will connect with those utilities.
 - t. Show approximate boundary of flood hazard area as taken from the official FEMA Flood Insurance Rate Maps adopted by the city or other sources approved by the Director.
 - u. Stormwater drainage plan showing general drainage basins and possible location for on-site detention if required.
 - v. Traffic study or written documentation from the Director that the development does not necessitate a traffic study.
 - w. Other information required by the Director.
- (e) Within thirty (30) days of submittal of an administratively complete application, the Director shall schedule the General Plan on the Planning and Zoning Commission agenda for review by the Commission.
- (f) General applications shall comply with all applicable city ordinances and statutes prior to approval by the Commission. The Commission shall review the General Plan and take one of the following actions:
- (1) Approve the General Plan as filed. Commission approval of the General Plan authorizes the developer to file a Preliminary Plat or a Development Site Plan.
 - (2) Conditionally Approve the General Plan as filed, provided, the reasons for such conditional approval are stated in writing and a copy of the statement is signed by the Chairman of the Commission. Commission conditional approval requires submission of an amended General Plan and additional documentation as specified by the Planning Commission for final Commission

approval, which may be filed concurrently with the next Preliminary Plat or Development Site Plan, as the case may be.

(3) Disapprove the General Plan as filed, provided, the reasons for such disapproval are stated in writing and a copy of the statement is signed by the Chairman of the Commission. Commission disapproval of a General Plan requires submission of a new General Plan.

(g) The original approved mylar of the General Plan shall be retained by the Department in the official files of the Commission. No subsequent plan or plat will be approved until the original mylar has been delivered to the department.

(h) In the event the developer or subdivider fails to file a Preliminary Plat or Development Site Plan within one year of Commission approval of the General Plan, approval of said General Plan shall terminate upon written notice to the subdivider, developer, or owner.

(i) The developer, subdivider, or owner may request in writing a one year extension specifying the reason why the document has not been filed.

Sec. 86-7. Development Site Plans.

(a) General

(1) The following sections of this Chapter outline procedures for preparing and obtaining approval for developments not defined herein as subdivisions. Except as noted in subparagraph (2) below, it shall be a violation of this Chapter for any person to develop property within the City of La Porte without first:

- a. Filing a Development Site Plan and required documentation for approval;
- b. Having said Development Site Plan approved according to the procedures set forth herein;
and
- c. Obtaining a Development Authorization.

(2) No Development Site Plan shall be required as provided for herein in the case of development that is solely and strictly a Subdivision (as that term is defined herein) and the requirements of Section 86-8(c) of this Chapter have been satisfied for each subdivision.

(3) For both Major and Minor Developments, the Development Site Plan is shall be drawn accurately to scale with exact dimensions by an Engineer. When accompanied by all other required documentation, Development Site Plans shall contain sufficient detail for evaluation of the proposed development.

(4) The following information must be provided as part of a Development Site Plan submission:

- a. Application and applicable fee.

- b. Development checklist.
- c. Project description letter.
- d. Drainage Plan and/or calculations as required by the Director.
- e. Exterior building elevations for sites subject to the city's Design Guidelines (Chapter 106, Article IX).
- f. Traffic Impact Assessment, if required by the Director.
- g. Any additional information required by the Director.
- h. Development Site Plan showing the location of all improvements on the site, whether existing or proposed. *Proposed improvements shall be in compliance with all applicable local, state and federal requirements.* The Development Site Plan shall contain the following graphical information:
 - 1. Name of development
 - 2. Type of development
 - 3. Description of land within proposed development: "____ . ____ acres out of the _____ Survey, Abstract Number _____, Harris County, Texas."
 - 4. Legal description of development, including blocks and lots or reserves or a metes and bounds description of the property boundary.
 - 5. Name of owner or authorized representative.
 - 6. Name of developer.
 - 7. Name of planning consultant.
 - 8. Filing date of application.
 - 9. Engineering Scale.
 - 10. North arrow
 - 11. Vicinity map that shows relation of development to surrounding streets, railroads, and water courses.
 - 12. Perimeter boundaries of development including dimensions.
 - 13. Indicate all building lines on the site. Show shortest distances from each building to nearest property line.
 - 14. Indicate name, location and recording information for adjacent properties, streets, easements, water courses, acreage tracts, and other natural or manmade features.

15. Parking table that labels existing and proposed parking in comparison to the required parking for the development.
16. Landscape table that labels existing and proposed trees and shrubs, including name of plant species, quantity and size.
17. Identify topography and label contours in one-foot intervals. Include cut and fill changes to the site.
18. Define high banks and flow lines of water courses. Define post-development limits of other natural or manmade physical development obstacles.
19. For mobile home parks, show proposed layout of mobile home sites and reserves. Number sites and blocks consecutively. Draw boundaries of sites the same way as for subdivision lots. Indicate size of each site in square feet. Designate usage of each reserve, such as recreation, laundry drying, and dead storage.
20. Draw perimeter of, dimension, and identify type and usage of each existing or proposed structure or site improvement, including parking lots, security lighting, driveways, curb cuts, culverts, water lines, fire hydrants, sanitary sewers, storm drains, natural gas lines, electrical lines, telephone lines, walkways, landscaping and other site improvements.
21. Show rights-of-way of all streets and alleys, either existing or proposed, within the plat boundaries and immediately adjacent thereto. Show right of way width at points of curvature or tangency, at one point within tangent segments, and at changes in width.
22. Provide names of all existing and proposed streets located within the plat boundaries and immediately adjacent thereto. Any proposed street name cannot be duplicates of any street name in current use, unless continuations of existing streets.
23. Indicate location, widths and types of for all existing and proposed utilities and easements on the site, including, but not limited to, water line, sanitary sewer, drainage, power. Label recording information for existing easements.
24. Show boundary of flood hazard area and shade areas within lot boundaries inside flood hazard area. Show finished floor elevation of buildings inside flood hazard area.
25. All required dedication statements and certificates must be included.

(b) Minor Development Site Plan

- (1) Application shall be submitted to the Department at least two (2) weeks before the date which Director review is requested. Application shall consist of all required documentation submitted either electronically or one (1) paper copy.
- (2) The Director is the Approving Authority for all Minor Developments Site Plans. Following review of the Minor Development Site Plans, the Director shall, within two (2) weeks of the filing date, take one of the following actions:

a. Approve the Minor Development Site Plan as filed. Approval of a Minor Development Site Plan and all accompanying documentation by the Director, together with approval of Public Improvement Construction Documents by the Director, results in issuance of a Development Authorization by the Department.

b. Conditionally approve the Minor Development Site Plan as filed, provided, the reasons for such conditional approval are stated in writing and a copy of the statement is signed by the Director. Conditional approval of a minor development Site Plan requires that the developer satisfy the conditions established by the Department. Once the stated conditions have been satisfied, the Minor Development Site Plan and accompanying documentation may be resubmitted for Department approval.

c. Disapprove the Minor Development Site Plan as filed, provided, the reasons for such disapproval are stated in writing and a copy of the statement is signed by the Director. Disapproval of a Minor Development Site Plan requires filing of a new Minor Development Site Plan.

(3) Department action shall be noted on three (3) copies of the Minor Development Site Plan, which shall be distributed to the developer, Department and the City Code Enforcement Division.

(4) Unless stipulation for additional time is agreed to by the Developer, if the Director fails to act within four (4) weeks from the date of submittal of the Minor Development Site Plan the Developer may submit a written request to the City Manager for an investigation into the Director's failure to act, in answer to which the City Manager shall issue a report within (2) weeks, unless the Director has sooner acted on the submitted Plan.

(5) Director disapproval of a Minor Development Site Plan may be appealed to the Commission within twenty (20) days of the mailing of a written notice of disapproval. Once the appeal has been filed, the Minor Development Site Plan will be presented to the Commission for its ruling as specified for Major Development Site Plans in subparagraph (c) below. The following materials must be filed with the City Secretary for an appeal:

- a. A copy of the Director's disapproval letter.
- b. A letter stating the basis of appeal.
- c. A copy of the Minor Development Site Plan.

(6) Prior to issuance of a Certificate of Occupancy, a final inspection of all improvements must be completed by City Inspectors. However, the developer shall have the option to utilize a third party Engineer in place of City Inspectors to certify that all improvements have been installed in accordance with the approved Minor Development Site Plan.

(c) Major Development Site Plan

(1) Application shall be submitted to the Department at least three (3) weeks before the date which Commission review is requested. Application shall consist of all required documentation submitted either electronically or one (1) paper copy.

(2) The Commission is the Approving Authority for all Major Development Plans. Following review of the Major Development Site Plan, the Commission shall take one of the following actions:

- a. Approve the Major Development Site Plan as filed. Approval of a Major Development Site Plan and all accompanying documentation by the Commission, together with approval of construction documents for any proposed public improvements by the Director results in issuance of a Development Authorization by the Department.
 - b. Conditionally approve the Major Development Site Plan as filed, provided, the reasons for such conditional approval are stated in writing and a copy of the statement is signed by the Chairman of the Commission. Conditional approval of a Major Development Site Plan requires that the Developer satisfy the conditions established by the Commission. Once the stated conditions have been satisfied, the Major Development Site Plan and accompanying documentation may be refiled for Commission approval.
 - c. Disapprove the Major Development Site Plan as filed, provided, the reasons for such disapproval are stated in writing and a copy of the statement is signed by the Chairman of the Commission. Disapproval of a Major Development Site Plan requires filing of a new Major Development Site Plan.
- (3) Commission action shall be noted on four (4) copies of the Major Development Site Plan, which shall be distributed to the developer, Department, City Code Enforcement Division, and official Commission files.
- (4) Unless stipulation for additional time is agreed to by the developer, the failure of the Commission to act within thirty (30) days from the date of submittal of the Major Development Site Plan the Developer may submit a written request to the City Manager for an investigation into the Director's failure to act, in answer to which the City Manager shall issue a report within (2) weeks, unless the Director has sooner acted on the submitted Plan.
- (5) Prior to issuance of a Certificate of Occupancy or final inspection of any improvements included in an approved Major Development Site Plan, a letter signed and stamped by a licensed engineer must be submitted to the Planning and Development Department certifying that all improvements have been installed in accordance with the approved Major Development Site Plan.

(d) Amendments to Minor and Major Development Site Plans

(1) Amendments to minor and major development site plans are those that provide for rearrangement or reconfiguration of floor plans or building elevations, modifications to parking areas, landscape areas, drainage facilities, utilities or other site improvements. An amendment may only occur to a site plan that has an active building permit on file.

(2) Said modifications shall:

- a. Comply with all requirements of Chapter 106 of the City's Code of Ordinances and other applicable city regulations.

- b. Not conflict with the Comprehensive Plan.
 - c. Not change the character of the development or the intent of the original plat approval.
- (3) The Director is the Approving Authority for all Amendments to Site Plans. Following review of the amendment, the Director shall, within two (2) weeks of the filing date, take one of the following actions:
- a. Approve the amendment as filed. Approval of an Amendment shall be clearly noted on the originally approved site plan, along with any conditions required by the Director.
 - b. Disapprove the amendment as filed, provided, the reasons for such disapproval are stated in writing and a copy of the statement is signed by the Director.
- (4) Director disapproval of an amendment may be appealed to the Commission within twenty (20) days of the written notice of disapproval. Once the appeal has been filed, the amendment will be presented to the Commission for its ruling as specified for Major Development Site Plans in subparagraph (c) above.

Sec. 86-8. Subdivision plats.

(a) The following sections outline procedures for preparing and obtaining approval of Subdivision Plats for residential, commercial, or industrial properties. All Final Subdivision Plats must be recorded in the County map records.

(b) Preliminary Plat

- (1) Preliminary Plats are required for all Major Subdivisions and shall be consistent with the approved General Plan, if applicable.
- (2) Application shall be submitted to the Department at least two (2) weeks before the date which Commission review is requested. Application shall consist of all required documentation submitted either electronically or one (1) paper copy.
- (3) The following information must be provided as part of a Preliminary Plat submission:
 - a. Application and applicable fee.
 - b. Development checklist.
 - c. Project description letter.
 - d. Any additional information required by the Director.
 - e. The Preliminary Plat shall graphically contain the following (ensure compliance with PICM standards, where applicable):
 - 1. Name of subdivision, which cannot be similar to that of an existing subdivision.

2. Type of development.
3. Description of land on which subdivision lies: “_____ acres out of the _____ Survey, Abstract Number _____, Harris County, State of Texas.”
4. Date.
5. Scale in engineering format.
6. North arrow.
7. Name of developer and property owner.
8. Name of surveyor and/or engineer preparing the plat.
9. Total number of lots, blocks and reserves.
10. Indicate size of each lot and reserve.
11. Vicinity map in relation to surrounding streets, railroads and water courses.
12. Label adjacent properties including ownership information and HCAD parcel identifications, where applicable.
13. Show all physical features of the site including high banks of water courses and any other natural or man-made physical development obstacles.
14. Draw perimeter boundaries of the subdivision.
15. Show proposed layout of blocks and lots or reserves within blocks.
16. For reserves: Draw boundaries for and designate area (in square feet and acres) for unrestricted reserves and those dedicated for restricted usages, such as those for drainage, recreation, parkland, or other uses (indicate intended usage and existing zoning).
17. Label contours at one-foot intervals.
18. Show and label all rights-of-way of all streets and alleys, either existing or proposed, within the plat boundaries and immediately adjacent thereto. Indicate right-of-way width between points, curvature, tangency and at changes in width.
19. Provide names of all existing and proposed streets located within the plat boundaries and immediately adjacent thereto. Street names cannot be duplicates of any street names in current use, unless continuations of existing streets or as part of a historical grid pattern.
20. Label location, widths and types of all easements, either existing or proposed, within the platted area or immediately adjacent thereto. Include any recording information on any existing easements.

21. Show nearest city approved survey monument and exact bearing (nearest second) and distance (nearest hundredth of a foot) to a defined point on the perimeter boundary of the property.

22. Show location of all proposed survey control monuments to be installed by the developer pursuant to Section 86-9 of this Chapter.

23. Show boundary of flood hazard area/s as adopted by the city.

24. Show location of all existing and proposed storm drainage, sanitary sewer system, and water lines.

25. For condominium developments: Draw the footprint of each building site and show overall dimensions and building type for each building. Show shortest distances from each building to nearest building and property line. For each building type, draw to larger scale the plan of each building type, showing all perimeter wall dimensions and the dimensions and location of walls between units. Designate each unit type and floor area in square feet.

(4) Preliminary Plat applications shall comply with all applicable city ordinances and statutes prior to approval by the Commission. The Commission shall review the plat and take one of the following actions:

a. Approve the Preliminary Plat as filed.

b. Disapprove the Preliminary Plat as filed, provided, the reason for such disapproval is stated in writing and a copy of the statement is signed by the Chairman of the Commission. Disapproval may also include conditions for resubmittal of Preliminary Plat.

(5) Unless stipulation for additional time is agreed to by the subdivider, the failure of the Commission to act within thirty (30) days from the date of the filing of the plat by the developer, will cause the plat to be deemed approved.

(6) The original approved mylar of the Preliminary Plat shall be retained by the Department in the official files of the Commission.

(7) In the event the subdivider fails to file a Final Plat within one year of Approving Authority approval of the Preliminary Plat, approval of said Preliminary Plat shall terminate upon written notice to the subdivider or owner. The subdivider or owner may request in writing a one year extension specifying the reason why a Final Plat has not been filed.

(c) Final Plat

(1) Final plats are required for all subdivision, and shall be consistent with the Preliminary Plat if applicable. Final Plats of subdivisions are drawn accurately to scale with exact dimensions. Complete instructions for preparing Final Plats are contained in Appendix D.

(2) In conjunction with the filing of the Final Plat, the subdivider or developer shall file a proposed set of covenants, restrictions, conditions, and reservations, affecting the property enclosed within

the Final Plat. The covenants and restrictions shall include provisions creating an association of lot owners charged with the responsibility of promoting the recreation, health, safety, and welfare of the members of the association, and for the improvement and maintenance of any common areas, compensating open space, private streets, alleys, or parking areas included within the Final Plat. The association shall be empowered to levy assessments to be used exclusively in the enforcement of the covenants, restrictions, conditions, and reservations affecting the property enclosed in the Final Plat, and for the furtherance of its responsibility of improving and maintaining any common areas, compensating open space, private streets, alleys, parking areas or other private improvements included within the Final Plat. The assessments levied shall be a charge on the land and shall be a continuing lien on the property against which each such assessment is made.

(3) The proposed set of covenants, restrictions, conditions and reservations filed shall be submitted to the City Attorney of the City of La Porte, who shall review the documents and insure that the form of the documents complies with this chapter.

(4) Application shall be submitted to the Department at least two (2) weeks before the date which Commission review is requested. Application shall consist of all required documentation either electronically or one (1) paper copy.

(5) The following information must be submitted as part of a Final Plat submission:

- a. Application and applicable fee.
- b. Development checklist.
- c. Title certificate, abstract, or planning letter.
- d. Complete public street construction drawings for approval by the Director.
- e. Complete public utility construction drawings for approval by the Director.
- f. List of coordinates for each point to be marked in the final field survey. Each point on the list is to be assigned a unique number code. A copy of the Final Plat, marked with the locations of each number code, is to be submitted as well.
- g. Letters from the servicing utility companies approving of the easements shown on the plat.
- h. Copy of deeds for any private easements within the subdivision.
- i. Commitment of park dedication as required in Section 86-11 of this Chapter.
- j. A letter, statement or instrument from the holder of any privately owned easement or fee strip within the subdivision boundaries approving any crossings of said existing easement or fee strip by proposed streets, utilities, or easements shown on the plat. If adjustment of existing utilities is required, said letter shall specify the nature of the adjustments and the approval of the owner for such adjustments.
- k. Set of covenants, restrictions, conditions, and reservations, affecting the property enclosed within the Final Plat.

- l. Title information as required in Section 86-9(n) of this Chapter.
- m. Any additional information required by the Director.
- n. Final Plat to graphically contain the following (ensure compliance with PICM standards, where applicable):
 1. The graphical requirements outlined for a Preliminary Plat in Section 86-8(b)(3)(e), Items 1-22.
 2. Metes and bounds description in map for with appropriate bearings and distances.
 3. Owners' Acknowledgement Statement
 4. Lienholders' Subordination Agreement, where applicable
 5. Plat Accuracy Certificate
 6. Final Survey Certificate
 7. Approving Authority Certificate
 8. Harris County Clerk Filing Statement
 9. Permanent Access Easement must be labeled for any proposed private roads.
 10. Any other special statements required by the Director
- (6) Unless stipulation for additional time is agreed to by the subdivider, the failure of the Commission to act within thirty (30) days from the date of the filing of the plat by the developer, will cause the plat to be deemed approved.
- (7) Final Plat applications shall comply with all applicable city ordinances and statutes prior to approval by the Commission. The Commission shall review the plat and take one of the following actions:
 - a. Approve the Final Plat as filed. Such approval of a Final Plat as filed and all accompanying documentation by the Commission, together with approval of Public Improvement Construction Documents by the Director shall result in issuance of a Development Authorization by the Department which permits the developer to begin construction of subdivision improvements.
 - b. Disapprove the Final Plat as filed, provided the reasons for such disapproval are stated in writing and a copy of the statement is signed by the Chairman of the Planning Commission. Such disapproval requires filing of a new Final Plat.
- (8) Notice of the Commission's action shall be forwarded to the applicant.
- (9) A Final Plat shall not be recorded until executed by the Director and by the Commission. Before the Final Plat is executed, the developer shall follow the procedure provided for in Section, and

construct the proposed improvements according to the approved plans and specifications. In the event the developer or owner fails to commence construction of such improvements within one year of Development Authorization, approval of the Final Plat shall terminate upon written notice from the Commission to the developer or owner. The developer or owner may request in writing one year extension specifying the reasons why construction has not commenced.

The Commission shall not sign and deliver a copy of the plat to be recorded, nor shall such Final Plat be recorded, if such proposed improvements are not completed within two years of commencement of construction, and approved by the Director. In the event the developer or owner fails to complete construction of such improvements within two years of commencement of construction, approval of the Final Plat shall terminate upon written notice from the Commission to developer or owner. The developer or owner may request a one year extension in writing from the Director specifying the reasons why construction had not been completed.

The Final Plat shall not be recorded unless the deed restrictions called for herein are recorded simultaneously with the recordation of the Final Plat.

(10) After recordation with Harris County, the original recorded mylar film of the Final Plat shall be retained in the official files of the Commission.

(d) Administrative Plat

(1) The same submittal requirements for a Final Plat approval apply to an Administrative Plat.

(2) Administrative Plat applications shall comply with all applicable city ordinances and statutes prior to approval by the Director. The Director shall review the plat and take one of the following actions:

a. Approve the Preliminary Plat as filed.

b. Disapprove the Preliminary Plat as filed, provided, the reason for such disapproval is stated in writing. Disapproval may also include conditions for resubmittal. If said plat is disapproved, the applicant may elect to refer the plat to the Commission for consideration.

(3) The Director may, for any reason, elect to present the plat to the Commission for approval of the plat.

(4) Unless stipulation for additional time is agreed to by the subdivider, the failure of the Director to act within thirty (30) days from the date of the filing of the plat by the developer, will cause the plat to be deemed approved.

(e) Replat of recorded subdivision plats

(1) A replat or re-subdivision of a recorded Subdivision Plat, or a portion thereof, but without vacation of the immediate previous plat, is hereby expressly authorized to be recorded and shall deemed valid and controlling when:

- a. It has been signed and acknowledged by only the owners of the particular property which is being replatted or re-subdivided on the acknowledgement shown in Enclosure 1 to Appendix D;
 - b. It does not attempt to alter, amend or remove any covenants and restrictions;
 - c. There is compliance, when applicable, 212.014 and 212.0145 of the Texas Local Government Code;
 - d. It has been approved by the Commission after being prepared and filed as though it were an original plat as specified in subparagraph “c” of this section; and
 - e. All expenses incurred by the City or the subdivider in the Replat process shall be borne by the subdivider, including costs of notice at public hearing.
- (f) Amending Plat (of recorded subdivision plats)

(1) An Amending Plat may be filed for record in the County map records to correct dimensional errors, notational errors or other erroneous information, to add to or delete monuments, or to relocate a lot line between adjacent lots, as allowed in Section 212.016 of the Texas Local Government Code, provided:

- a. The signed Amending Plat Certificate shown on Enclosure 4 to Appendix D is placed on the face of the Amending Plat;
 - b. The Planning and Zoning Commission Certificate shown on Enclosure 4 to Appendix D is placed on the face of the Amending Plat and;
 - c. Commission approval of said Amending Plat is reflected by Commission execution of said certificate.
- (2) The Planning Director of the City of La Porte may approve Amending Plats and execute Certification of same as set forth above in lieu of the Planning Commission, as allowed in Section 212.0065 of the Texas Local Government Code. The Director of Planning may, for any reason, elect to present the Amending Plat to the Commission for approval. The Director of Planning shall not disapprove the Amending Plat and shall refer any plats which are refused to the Planning Commission within the time parameters as delineated in Section 212.009 of the Texas Local Government Code.

(g) Vacating Plat (of recorded subdivision plats)

- (1) The vacation of Subdivision Plats, which is authorized and regulated by Section 212.013 of the Texas Local Government Code, shall be permitted, provided:
- a. All owners of all property contained within the previous plat sign the Vacation of Subdivision Declaration shown on Enclosure 5 to Appendix D;
 - b. Approval of the Commission is obtained and reflected by Commission execution of the certificate shown on Enclosure 5 to Appendix D; and

c. Said owners declaration and Commission approval certificate is recorded as a single instrument in the county records as required by Section 212.013 of the Texas Local Government Code.

Sec. 86-15. General standards for subdivision and developments.

(a) Streets and alleys.

(1) Street classification system. The street pattern of the city should provide adequate circulation while discouraging through traffic within local neighborhoods. This may be accomplished by providing thoroughfares spaced at approximately one-mile intervals and collector streets within neighborhoods spaced at about half-mile intervals to link local streets to the thoroughfare network.

(2) Street width. Public or private streets shall have a minimum pavement width of 28 feet. Public or private alleys shall have a minimum pavement width of 20 feet.

(3) Thoroughfare extension. Right of way widths for thoroughfare extensions shall be as indicated in the PICM along the entire frontage of the tract being developed. Where the existing dedicated right of way width fronting the adjacent property is less than shown in the PICM, a transition zone of 300 feet of frontage of the new development shall be provided between the existing and new right of ways.

(4) Continuation of adjoining streets. The arrangement of streets in new developments shall make provisions for the appropriate continuation of existing streets from adjoining properties.

(5) Future projections of streets. Where adjoining areas are not developed, but may be developed, the arrangement of streets in a new development shall make provisions for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new development at appropriate locations. All such streets shall be designed in accordance with the PICM.

(6) Provisional one-foot reserve. Required along the side or end of streets that abut acreage tracts. The note shall be notated on the Final Plats and Street Dedication Plats, where appropriate

(7) Street names. Street names shall be the same as existing street names, if they are continuations of existing streets. Otherwise, no street name shall be permitted that is a duplicate of an existing or proposed street name within the City. Proposed new names must be submitted to the Department for checking prior to the submittal of first plat or plan. The developer shall provide street name signs in accordance with the PICM.

(8) Alleys. Alleys may be provided within any subdivision or development to provide secondary vehicular access to building sites which otherwise have their primary access from an adjacent public street. Alleys shall not be used or designed to provide principal access to any tract of land and shall not provide access to property outside the development boundaries in which the alleys are located. Dead end alleys are not permitted.

(9) Private streets and alleys. Streets and alleys in which the developer proposes to privately maintain in perpetuity through a community association or other approved means are to be designated as “private” on the plat. Design and construction of such streets and alleys will be identical to design and construction standards for public streets. Right of way lines may be coterminous with the edge of pavement.

(b) Engineering data. Please see the PICM.

(c) Lots. The following standards shall apply to all lots:

(1) The lot design of a Subdivision or Development should provide for lots of adequate width and depth to provide open area and to eliminate overcrowding.

(2) Lots should be rectangular so far as practicable and should have the side lot lines at right angles to streets on which the lot faces or radial to curved street lines.

(3) Lots with double frontage are prohibited except when backing on major thoroughfares and upon approval by the Planning Commission.

(4) All lots shown on the plat will be for residential purposes unless otherwise noted.

(5) Side lot lines should be perpendicular or radial to street frontage and the following note may be in lieu of bearings. “All side lot lines are either perpendicular or radial to street frontage unless otherwise noted.”

(6) Driveway access to thoroughfares shall be prohibited.

(7) Double front lots are prohibited except when backing on major thoroughfares or on corner lots.

(7) Lots shall be sized in accordance with the requirements of Chapter 106, Zoning.

(d) Drainage easements. The following standards shall apply to all drainage easements:

(1) The location and width of all easements shall be determined by the Director for all plats or plans within the cities jurisdiction, and by the Director in conjunction with Harris County Flood Control District (HCFCD) for all easements that HCFCD may have an interest in.

(2) Easements for drainage adjacent to lots, tracts, or reserves shall be recited on the Final Plat, in accordance with ~~the~~ language. language approved by the Director.

(e) Utility easements. The developer shall coordinate all public and private utility easements with the applicable entity as required in this Chapter.

(f) Platting of public streets or easements across private easements or fee strips. The following shall apply when platting of public streets or easements across private easements or fee strips:

(1) A copy of the instrument establishing any private easement shall be submitted with the Development Site Plan or the Preliminary Plat as reflected by the Title Certificate submitted.

(2) Easement boundaries must be tied by dimensions to adjacent lot and tract corners. Where the private easement has no defined location or width, an effort shall be made to reach agreement on a defined easement. Where no agreement can be reached, then existing facilities shall be accurately located and tied to lot lines, and building setback lines shall be established as specified in Section 5.04.

(3) Prior to approval of the Final Plat or Development Site Plan, the developer or dedicator of any Subdivision Plat or Development Site Plan, wherein public streets or easements are shown crossing private easements or fee strips, shall by letter to the Commission assume responsibility for seeing that any adjustments and protection of existing pipelines, electrical transmission lines, or other facilities shall be planned and provided for to the satisfaction of the holder of the private easements or fee strips and the Director prior to the filing of the plat or plan for record.

(4) Prior to filing of the Final Plat or Development Site Plan for record, the following requirements must be met:

a. The developer or dedicator of any plat or plan shall obtain from the holder of any private easement or fee strip within the plat or plan crossed by proposed streets or other public easements an instrument granting to the public the use of said public streets or easements over and across said private easements or fee strips for construction, operation, and maintenance of those public facilities normally using the type of public streets and easements indicated. This instrument shall be delivered to the Commission to be filed for record along with plat or plan.

b. The developer shall furnish the Commission with a letter from the holder of the private easements or fee strips in questions stating that arrangements for any required adjustments in pipelines, electrical transmission lines, or other similar facilities have been made to the satisfaction of the holder of the easements.

(g) Monumentation requirements. The following are requirements for monumentation for subdivisions and developments:

(1) Subdivisions

a. Permanent control monuments, one for each five acres of property or fraction thereof, shall be placed along streets centerlines or at subdivision corners. The location of control monuments shall be approved by the Department at the Preliminary Plat stage and shown on the Final Plat. The construction of permanent control requirements shall be in accordance with the PICM.

b. At least one control monument shall be accurately tied, by angle and distance to an approved City of La Porte monument. Elevation shall be established for each control monument installed. Datum shall be supplied or approved by the Department.

c. Elevations and coordinate values for each control monument shall be submitted in accordance with language approved by the Director and approval by the Department prior to execution of the Final Plat.

d. All corners of the subdivision, all angle points and points of curvature in the subdivision boundary, all block corners, all angle points and points of curvature in each street right of way shall be marked with iron rod not less than three fourths (3/4) of an inch in diameter and thirty (30) inches in length, placed flush with the finished ground elevation.

e. All lot corners shall be marked with iron rods not less than five-eighths (5/8) of an inch in diameter and thirty (30) inches in length, placed flush with the finished ground elevation.

f. All required monumentation shall be completed prior to final acceptance of the subdivision and execution of the Plat.

(2) Major developments

a. Permanent control monuments, one for each five acres of property or fraction thereof, shall be placed along street centerlines or at corners of the development. The location of control monuments shall be approved by the Department and shown on the Development Site Plan. The construction of permanent control monuments shall be in accordance with the PICM.

b. At least one control monument shall be accurately tied, by angle and distance to an approved City of La Porte monument. Elevations shall be established for each control monument installed. Datum shall be supplied or approved by the Department.

c. Elevation and coordinate values for each control monument shall be submitted and approved by the Department prior to or concurrent with acceptance of all public improvements.

d. All lot corners within the Development shall be marked with iron rods not less than five-eighths (5/8) of an inch in diameter and thirty (30) inches in length, placed flush with the finished ground elevation prior to commencement of any building construction.

(3) Minor developments

a. All lot corners of Minor Developments shall be marked with iron rods not less than five-eighths (5/8) of an inch in diameter and thirty (30) inches in length, placed flush with the finished ground elevation. Lot corners shall be established and placed prior to commencement of any building construction.

(h) Public improvements

(1) The developer shall pay all costs for providing the development with streets, water mains, sanitary sewers, and storm sewers in accordance with plane and specifications for such improvement approved by the Director and in the manner set out in the adopted Utility Extension Policy. The subdivider shall pay all costs associated with street lighting as set out in the PICM.

(2) The subdivider or developer shall guarantee construction of all approved public improvements as provided in this section and in conformance with the adopted PICM.

(3) The installation of the approved improvements shall be under the inspection of the Director or his representative and the Director shall certify the installation as being in accordance with the

approved plans and specifications before the Commission will execute a Subdivision Plat for recordation, or before the City will accept said public improvements for maintenance.

(i) Reimbursement for oversizing

(1) All improvements required in a Subdivision or Development will be installed at the developer's cost, unless otherwise provided. The cost of utilities and streets which are required by the City to be larger than would be normally needed to serve the proposed addition will be partially reimbursed. The reimbursable amount will be the difference between the cost of the facilities that would be adequate to serve the addition and the cost of the facilities required by the City. A reimbursement contract will be negotiated between the City Council and the Developer.

(j) Record drawings

(1) The engineer representing the developer must present to the Director project information electronically to the City, reproducible complete "record drawings" for all paving, drainage structures, water lines and sewer lines within thirty (30) days after completion of each contract. The Director will not certify approval of public improvements construction until record [all] drawings have been submitted.

(k) Fees. Filing/Application fees for plats, plans, waivers or other requirements as established in this Chapter shall be in an amount established by the City and listed in Appendix A of this Code

(l) Plat/Plan Graphic Symbols. The following line symbols are established for all plans and plats:

(1) Boundaries: Show perimeter boundaries, right of ways and boundary lines between development phases in bold solid lines (____). Use solid lines (____) for block and lot boundaries.

(2) Building lines: Indicate by long dashes separated by short dashes (__ _ __ _).

(3) Easements: Indicate by short dashes (_ _ _ _).

(4) Stream and depression high banks: indicate by long dashes separated by three short dashes (_____).

(5) Edge of flood hazard area: Indicate by long dashes separated by circles (____ o ____ o ____ o ____).

(6) Adjacent properties: Indicate lines outside boundaries of proposed development by long dashes (_____).

(m) Plat/Plan Geometric Standards. The following table outlines geometric standards for plans and plats:

Item Description	General Plan	Preliminary Subdivision Plat	Final Subdivision Plat	Development Site Plan
<i>Dimensional Accuracy Standards</i>				

Exact: Angles to the nearest second, distances to the nearest hundredth of a foot.			X	X
Approximate: Angles to the nearest degree, distances to the nearest foot.	X	X		
<i>Line Definition: For all lines required to be defined on a line between two points is considered as "defined" if the following information is provided:</i>				
Bearing (in degree) for tangent (straight) lines	X	X	X	X
Distance (in feet) for tangent (straight) lines	X	X	X	X
Radius of curve (R, in feet) for curvilinear lines	X	X	X	X
Central delta angle (Δ , in degrees) for curvilinear lines			X	X
Arc length (L, in feet) for curvilinear lines	X	X	X	X
Cord length (C, in feet) for curvilinear lines			X	X
Chord bearing (CB, in degrees) for curvilinear lines			X	X
<i>Lines to be defined for street rights-of-way (centerline and both edges), perimeter boundaries, lots, blocks, reserves and easements, all lines between any combination of the following points:</i>				
Points of beginning or ending	X	X	X	X
Lots, block, or reserve corners	X	X	X	X
Angle points	X	X	X	X
Points of tangency or curvature	X	X	X	X
Points of inflection (reserve curvature)	X	X	X	X
Points of intersection with crossing lines for lots, blocks, reserves, rights-of-way, easements, stream or depression high banks, and flood hazard area boundaries			X	X
<i>Lines to be defined for high banks of stream or depression (no right-of-way or easement), lines between:</i>				
Points defining the limits of the high bank		X	X	X
Points of intersection with crossing lines for lots, reserves, easements and rights-of-way			X	X
<i>Lines to be defined for flood hazard area, lines between:</i>				
Points of defining the limits of the flood hazard area (Consult City Flood Zone Administrator for required elevations)		X	X	X
Points of intersection with crossing lines for lots, reserves, easements and rights-of-way			X	X

(n) Title certificate information. A planning letter, certificate, abstract, or other instrument from a title guaranty company or attorney authorized to render title opinions in the State of Texas, which certifies that a search of the appropriate records was performed within thirty (30) days of the filing date and which letter provides the following information:

- (1) The date of the examination of the records.
- (2) A legal description of the property proposed to be developed including a metes and bounds description of the boundaries of said land.
- (3) The name of the recorded owner of fee simple title as of the date of the examination of the records, together with the recording information or the instruments whereby such owner acquired fee simple title.
- (4) The names of all lienholders together with the recording information and date of the instruments by which such lienholders acquires their interests.
- (5) A description of the type and boundaries of all easements and fee strips not owned by the developer of the property in question together with the recording information and date of the instruments whereby the owner of such easements or fee strips acquired their title.
- (6) A statement certifying that no delinquent city or county taxes are due on the property being platted.

Sec. 86-16. Engineering and construction standards for subdivisions.

(a) Streets and alleys.

- (1) All streets shall be reinforced concrete pavement on a compacted subgrade. Concrete pavement shall be provided with either an integral curb poured with the pavement or a separate curb constructed on top as required by the PICM and subject to the approval of the Director.
- (2) Pavement design shall conform to the PICM.
- (3) Curb and combination curb shall be constructed of reinforced concrete. Cross section and slopes shall conform to the PICM.
- (4) All concrete shall be designed and controlled by a competent laboratory as required by the PICM.

(b) Drainage and storm sewer.

- (1) Adequate drainage shall be provided within the limits of the subdivision as to reduce the community's exposure to flood hazards with respect to adjacent, upstream and downstream developments. (See also Chapter 94 "Floods" of the Code of Ordinances of the City of La Porte for additional requirements.) Adequate drainage shall be provided within the limits of the subdivision and/or development. The protection of adjoining property shall be accounted for in design of the system in conformance with the PICM, and shall be subject to the approval of the Director. The design and sizing of the system shall be in conformance with the PICM, and subject to the approval of the Harris County Flood Control District and the Director.

(2) Any person or persons that alters or changes the elevation of property shall be responsible for applying for and obtaining, prior to said change or alteration of the elevation of the property, a development authorization from the Department. Any change or alteration in the elevation of property requires submission of a site plan prior to the change or alteration of property, which said site plan shall delineate the proposed change or elevation of property. Said certified site plan shall be subject to approval by the City Engineer.

(3) Fill dirt permit shall be required by the City. Exhibits show fill dirt regulations, grading standards, and swale standards; requiring sketch plans and approval prior to the introduction of fill material; and providing silt prevention and revegetation standards. Said fee shall be \$25.00 for the first 49 loads of permitted fill dirt, and \$2.00 for each additional load. Any person who places fill dirt on their property without first applying for and obtaining a fill dirt permit shall be guilty of a misdemeanor.

(4) A stormwater quality permit may be required in accordance with city, state and federal law.

(c) Water and sewer system.

(1) The design and construction of all water and sewer systems shall be in conformance with the PICM, and subject to approval by the Director. The developer or owner shall provide the necessary certificates from all other governmental agencies certifying compliance with their regulations.

(d) Street lighting.

(1) All public streets and non- residential parking lots where intended for use by the general public in the City must be served adequately by lights. Lighting must be located and installed in accordance with the specifications of the PICM.

Sec. 86-25 Open space within subdivisions and developments.

(a) Purpose.

(1) It is the policy of the City to provide recreational areas and amenities in the form of neighborhood and community parks as a function of residential development in the City of La Porte. This Section is enacted in accordance with the home rule powers of the City of La Porte granted under the Texas Constitution and statutes of the State of Texas, including, without limitation, Texas Local Government Code, § 51.071 *et seq.* and § 212.001 *et seq.* It is hereby declared ~~that~~ by the City Council of the City of La Porte that recreational areas, in the form of neighborhood parks and related amenities and improvements, are necessary and in the public welfare, and that the only adequate procedure to provide for same is by integrating such requirement into the procedure for planning and development of property of a residential subdivision in the City of La Porte, whether such development consists of new construction on previously vacant land or rebuilding and redeveloping existing residential areas.

Neighborhood and community parks are those parks providing for a variety of outdoor recreational opportunities and within convenient distances from a majority of the residences to be served thereby, the standards for which are set forth in the La Porte Parks, Recreation and Open Space

Master Plan, or neighborhood and community areas. The park zones established by the La Porte Parks and Recreation Department and shown on the official La Porte Parks, Recreation and Open Space Master Plan, or neighborhood area, shall be *prima facie* evidence that any park located therein is within such a convenient distance from the majority of residences to be served thereby. The cost of the neighborhood parks should be borne by the ultimate residential property owners who by reason of the proximity of their property to such parks shall be the primary beneficiaries of such facilities. Therefore, the following requirements are adopted to effect such purposes.

In order to provide an equitable method of determination of the requirements for future development of residential areas of the City of La Porte, the following formula is hereby adopted: The population of the City based on the latest United States Census data, adjusted on an annual basis based on the predicted growth of the City as found in the Parks and Open Space Master Plan for the year in which the adjustment is made, is identified. The resultant number is divided by the number of acres of available neighborhood and community parkland inventory in the City of La Porte, resulting in the number of persons per neighborhood or community park acre in the City of La Porte. This result is then divided by the number of La Porte persons per dwelling unit as identified in the latest United States Census data, giving the number of dwelling units per acre of neighborhood or community parkland. This number is then divided into the total acquisition cost for land at the average appraisal value, and development cost per acre for development of the land into a typical park as identified in the Parks and Open Space Master Plan of the City.

This formula provides a baseline for determining the number of dwelling units per acre rate for future development within the City, the parkland dedication or in lieu acquisition costs for parkland, and the cost of future park development. This formula shall be applied and reviewed periodically to assure that the process for future development remains fair and equitable as established herein. In the event that the periodic review results in a determination of inequity, an amendment to the Ordinance to correct the inequity will be presented to Council for consideration.

(b) General requirement for dedication of land and payment of park development fee.

(1) Whenever a Final Plat is filed of record with the County Clerk of Harris County, Texas or a development site plan, or a property survey is submitted and filed with the approving authority of the City in accordance with the provisions of this ordinance and other planning and development ordinances that may be contained within the Code of Ordinances of the City of La Porte, for a development of a residential area within the City of La Porte that contains one or more residential dwelling units, such plat, or site plan, or property survey shall contain a clear fee simple dedication of one acre of land for each 93 proposed dwelling units. As used in this Section, a "dwelling unit" means each individual residence, including individual residences in a multi-family structure, designed and/or intended for inhabitation by a single family. Residential structures that are moved from one area of the City to another area of the City are specifically excluded from the park development fee requirements of this ordinance.

Any proposed plat or site plan, or property survey submitted to the City of La Porte for approval shall show the area proposed to be dedicated under this section. The required land dedication of this section may be met by a payment in lieu of land where permitted by the City of La Porte or required by other provisions in this ordinance.

In the event a plat is not required and a development site plan or property survey is filed, the dedication of land or payment in lieu of land required under this section shall be met prior to the issuance of a building permit by the approving authority of the City.

(2) The City Council of the City of La Porte declares that development of an area less than one acre for neighborhood park purposes is impractical. Therefore, if fewer than 93 dwelling units are proposed by a plat filed for approval, the approving authority may require the developer to pay the applicable cash in lieu of land amount, as provided in subsection "c" below.

(3) In addition to the required dedication of land, as set forth above, there shall also be a park development fee paid to the City of La Porte as a condition to subdivision plat approval or issuance of a building permit. Such park development fee shall be set from time to time by ordinance of the City Council of the City of La Porte sufficient to provide for the development of amenities and improvements on the dedicated land to meet the standards for a neighborhood park to serve the area in which the subdivision is located. Unless and until changed by ordinance of the City Council of the City of La Porte, the park development fee shall be calculated on the basis of \$318 per dwelling unit.

(4) In lieu of payment of the required park development fee, a developer shall have the option to construct the neighborhood park amenities and improvements. All plans and specifications for the construction of such amenities and improvements must be reviewed and approved by the approving authority. The developer shall financially guarantee the construction of the amenities and improvements, and the City of La Porte must approve same, prior to the filing of a plat in the case of platted subdivisions. Once the amenities and improvements are constructed, and after the approving authority has accepted such amenities and improvements, the developer shall deed and convey such amenities and improvements to the City of La Porte or to the applicable Homeowner's Association.

(5) In instances where land is required to be dedicated, the approving authority shall have the right to accept or reject the dedication after consideration of the recommendation of the Parks and Recreation Director or the Planning and Zoning Commission, and to require a cash payment in lieu of land in the amount provided under subsection "c" below, if the approving authority determines that sufficient park area is already in the public domain for the area of the proposed development or if the recreation potential for that area would be better served by expanding or improving existing neighborhood parks.

(6) When two or more developments will be necessary to create a neighborhood park of sufficient size in the same area, the Parks and Recreation Department, at the time of preliminary plat approval, will work with the developer to define the optimum location of the required dedication within the respective plats. Once a park site has been determined, adjacent property owners who develop around the park site shall dedicate land and (or) cash to the existing site unless otherwise determined by the approving authority, as provided herein.

(c) Cash payment in lieu of land.

(1) A developer responsible for land dedication under this Section shall be required, at the approving authority's option, to meet the dedication requirements in whole or in part by a cash payment in lieu of land, in the amount set forth below. Such payment in lieu of land shall be made prior to filing the final plat for record, or prior to the issuance of a building permit where a plat is not required.

(2) The cash payment in lieu of land dedication shall be met by the payment of a fee set from time to time by ordinance of the City Council sufficient to acquire neighborhood parkland. Unless and until changed by the City Council, such fee shall be computed on the basis of \$490 per dwelling unit. A cash payment in lieu of land dedication, as set forth in this section, does not relieve the developer of its obligation to pay the park development fee of \$318 set forth in subsection (b)(3) above. The cash payment in lieu of land dedication is in addition to the required park development fee.

(3) The general requirements for dedication of land and payment of park development fees and the cash payment in lieu of land are set forth graphically in Table 1, attached hereto.

(4) The City of La Porte may from time to time decide to purchase land for parks in or near the area of actual or potential development. If the City does purchase park land in a park zone, subsequent park land dedications for that zone shall be in cash only, the calculation of which is set forth as provided herein. Such cash payments are in addition to the payment of the required park development fee.

(d) Special fund.

(1) All funds collected by this dedication process will be deposited in the City of La Porte's Park Development Fund and used for the purchase or leasing of park land and the development and maintenance of same. All expenditures from the said fund will be reviewed and approved by the Office of the City Manager for the City of La Porte.

(2) The City of La Porte shall account for all sums paid into the Parks Development Fund with reference to the individual plats involved.

(e) Prior dedication, absence of prior dedication.

(1) If a dedication requirement arose prior to the passage of this Chapter, that dedication requirement shall be controlled by the ordinance in effect at the time such obligation arose, except that additional dedication shall be required if the actual number of dwelling units constructed upon property is greater than the former assumed or planned number of dwelling units. Additional dedication shall be required only for the increase in the number of dwelling units and shall be based upon the land dedication and park development fee requirements set forth herein above.

(2) At the discretion of the City, any former gift of land to the City may be credited on a per acre basis toward eventual land dedication requirements imposed on the donor of such lands. The approving authority shall consider the recommendations of the Parks and Recreation Department and the Planning and Zoning Commission in exercising its discretion under this subsection.

(f) Additional requirements, definitions.

(1) Any land dedicated to the City under this Chapter must be suitable for park and recreation uses. The following characteristics of a proposed area are generally unsuitable and may be ground for refusal of any plat:

- a. Any area primarily located in the 100-year floodway as determined by the Harris County Flood Control District.
- b. Any areas of unusual topography or slope which renders same unusable for organized recreational activities.

(2) Drainage areas may be accepted as part of a park if the channel is constructed in accordance with City engineering standards as found in Section 5.5.3 of the Public Improvement Criteria Manual of the City of La Porte, if no significant area of the park is cut off from access by such channel, if not less than five (5) acres of the site is above the 100-year flood plain, or if the dedication is in excess of ten (10) acres, not less than fifty percent (50%) of the site should be included in the 100-year flood plain.

(3) Each park must have ready access to a public street.

(4) Unless provided otherwise herein, an action by the City shall be by the approving authority, after consideration of the recommendations of the Commission and/or the Director of Parks and Recreation Department.

(5) Any preliminary plat approved prior to the effective date of this ordinance shall be exempt from these requirements set forth herein; however, however when such preliminary approval expires, any resubmission of such plat shall meet the requirements of this ordinance.

(g) Instruments of dedication.

(1) The park land dedication required Section shall be made in the case of Subdivision by a reservation on the Final Plat as filed in the map records of Harris County, Texas, unless additional dedication is required subsequent to the filing of the Final Plat. In the case of a Development Site Plan, the dedication required by the ordinance shall be made by filing of a deed to the deed records of Harris County.

In either event, if the actual number of completed dwelling units exceeds the figure upon which the original dedication was based, such additional dedication shall be required, and shall be made by payment by the cash in lieu of land amount provided herein.

Sec. 86-26. Waivers.

(a) In those instances where, in the opinion of the Commission, strict compliance with the terms, rules, conditions, policies, and standards provided in this Chapter would create an undue hardship by depriving the applicant or subdivider of the reasonable use of the land or, where, in the opinion of the Commission, there are unusual physical characteristics which affect the property in question and which would make strict compliance with the terms and conditions of this Chapter or any rule promulgated

under this Chapter not feasible, the Commission may grant the applicant or subdivider a waiver as to one or more requirements as long as the general purpose of this Chapter is maintained. Economic hardship shall not constitute the sole basis for granting a waiver under this section.

(b) A waiver granted under the provisions of this Chapter shall only to the specific property upon which the Commission was requested to approve a plat and that such waiver shall not constitute a change of this Chapter, or any part thereof, or establish any policy, rule or regulation contrary to the provisions of this Chapter.

(c) Any waiver on a recorded plat granted before the date of adoption of this Chapter is hereby recognized as continuing to be valid and compliance with the provisions of this Section shall not be required.

(d) Any person desiring to secure a waiver as to the provisions of this Chapter must submit a written request with the other materials (4.00 is Sketch Plans). Any request for a waiver must cite the specific rule, policy or standard contained in this Chapter from which a waiver is desired. Additionally, the request must state the extent of the waiver sought and the specific facts or reasons why such waiver is needed

(e) No waiver may be granted by the Commission unless approved by a majority vote of the members present at the meeting of the Commission at which the waiver request is presented and ~~that~~ where the Commission affirmatively finds:

(1) That the waiver would not be contrary to the general purpose and goals stated in this Chapter.

(2) That the waiver would not be detrimental to the public health, safety or welfare, to be injurious to adjacent property, or prevent the subdivisions or development of other land in the area in accordance with the provisions of this Chapter.

(f) Such finding of the Commission, together with the specific facts upon which such findings are based shall be incorporated into the official minutes of the Commission meeting at which such waiver was granted.”

Section 2. Any person, as defined in Section 1.07 (27), Texas Penal Code, who shall violate any provision of the ordinance, shall be deemed guilty of a misdemeanor and upon conviction shall be

Section 3. Each and every provision, paragraph, sentence and clause of this Ordinance has been separately considered and passed by the City Council of the City of La Porte, Texas, and each said provision would have been separately passed without any other provision, and if any provision hereof shall be ineffective, invalid or unconstitutional, for any cause, it shall not impair or affect the remaining portion, or any part thereof, but the valid portion shall be in force just as if it had been passed alone.

Section 4. Ordinance No. 1444, together with all amendments to Ordinance No. 1444, is expressly repealed. Furthermore, all other ordinances or parts of ordinances in conflict herewith are hereby repealed, but to the extent of such conflict only.

Section 5. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council is posted at a place convenient to the public at the City Hall of the city for the time required by law preceding this meeting, as required by Chapter 551, Tx. Gov't Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 6. This Ordinance shall be effective fourteen (14) days after its passage and approval. The City Secretary shall give notice of the passage of this ordinance by causing the caption hereof to be published in the official newspaper of the City of La Porte at least once within ten (10) days after the passage of this ordinance.

PASSED AND APPROVED this the 27th day of June, 2016.

CITY OF LA PORTE, TEXAS

By: _____


Louis R. Rigby, Mayor

ATTEST:


Patrice Fogarty, City Secretary

APPROVED:


Clark Askins, Assistant City Attorney



City of La Porte Planning and Development Department

Established 1892

Tim Tietjens, Director

SIGNATURE BLOCKS AND CERTIFICATES

General Plans

❖ *Developer/Owner Signature Block:*

The (Name of Development) General Plan is as proposed in this document. I/we acknowledge that this document identifies the intended development of the subject parcel.

Developer/Owner

❖ *City Approval Signature Block:*

This General Plan was reviewed and accepted by the City of La Porte Planning and Zoning Commission on the ____ day of _____, 20__.

By: _____
Chair of the Planning and Zoning Commission

Attest:

Secretary, Planning and Zoning Commission

Site Development Plans

❖ *Owner's Certificate:*

I (or we), (name of owners), as Owners (whether one or more) of the (number of acres) tract described in the above and foregoing site plan of (Name of development) do hereby establish said development of said property according to all lines, dedications, restrictions and notations on said site plan. I (We) further certify that all improvements shown on said site plan shall be constructed in the locations shown.

ADDITIONAL PARAGRAPHS TO BE ADDED AS APPROPRIATE

When development contains natural drainage ways such as bayous, creeks, gullies, ravines, draws or drainage ditches:

FURTHER, Owners agree to keep all of the property within the boundaries of this site plan and adjacent to any drainage easement, ditch, drainage ways and easements clear of fences, buildings, planting and other obstructions to the operations and maintenance of the drainage

facility and that such abutting property shall not be permitted to drain directly into this easement except by means of an approved drainage structure.

When private streets and utilities are established within the site plan:

FURTHER, Owners agree that those streets and utilities located within the boundaries of this site plan specifically noted as private, shall be maintained as private streets and utilities by the owners, heirs, successors and assigns and, further, that said private streets shall always be available for the general use of the public for firemen, firefighting equipment, police and other emergency vehicles of whatever nature at all times.

When owner is an individual or individuals

WITNESS my (or our) hand in the City of _____, _____, this _____ day of _____, 20____.

(Name of Owner/s)

When owner is a company of corporation

In TESTIMONY WHEREOF, the (Name of company) has caused these presents to be signed by (Name of President), its President thereunto authorized, attested by its Secretary (or authorized trust officer), (Name of Secretary of authorized trust officer), and its common seal hereunto affixed by this _____ day of _____, 20____.

By: _____
(Name – President of Authorized Agent)
(Name of Company)
(Title)

ATTEST:

By: _____
Name – Secretary or Authorized Trust Officer)
(Title)

(Affix Corporate Seal)

❖ **Flood Statement:**

This tract is in Flood Zone _____ and [is/is not] within the 100-year Flood Plain according to FEMA Map # _____, Dated _____.

❖ ***Amendment Table:***

All site plans shall include the following table:

AMENDMENT TABLE		
<i>Description of Proposed Modification/s:</i>	<i>Date of Approval:</i>	<i>Approval Authority Signature:</i>

❖ ***Landscape Table:***

All site plans shall include the following table:

LANDSCAPE TABLE				
<i>Planting strip requirements per Section 106-800(c.1.b&c)</i>				
<i>Symbol:</i>	<i>Common Name:</i>	<i>Scientific Name:</i>	<i>Amount Required:</i>	<i>Quantity Proposed:</i>
<i>Parking lot requirements per Section 106-800(c.1.e)</i>				
Number of Parking Spaces Provided:				
Number of Trees Required (ratio 1 tree per 10 parking spaces):				
Species of Shade Trees Provided as Parking Lot Landscaping:				
Planters Required (ratio of 135 sq. ft. per 10 parking spaces):				

❖ ***Parking Table:***

All site plans shall include the following table:

Parking Table	
Parking Spaces Required (Include parking ratio from Section 106-839):	
Parking Spaces Provided:	
Accessible Parking Spaces Required:	
Accessible Parking Spaces Provided:	

❖ ***City Approving Authority Certificate:***

Minor Development Site Plan:

This is to certify that on _____ day of _____, 20____ the City of La Porte, Texas, has approved this site plan and development of ____(Name of Development)_____ in conformance with the ordinances of the City of La Porte.

By: _____
Director, Planning and Development

City Planner

City Engineer

Major Development Site Plan:

This is to certify that on _____ day of _____, 20____ the City Planning and Zoning Commission of the City of La Porte, Texas has approved this site plan and development of ____(Name of Development)_____ in conformance with the laws of the State of Texas and the ordinances of the City of La Porte.

By: _____
Chair, Planning and Zoning Commission

ATTEST:

By: _____
Secretary, Planning and Zoning Commission

By: _____
Director, Planning and Development

City Planner

City Engineer

Subdivision Plats

❖ Owners Acknowledgement:

STATE OF TEXAS

COUNTY OF HARRIS

I [or we], (name of owner or owners) acting by and through (name and title of officer) being officers of (name of company or corporation), owner (or owners) hereinafter referred to as Owners whether one or more of the (number of acres) tract described in the above and foregoing map of (Name of subdivision) do hereby make and establish said subdivision of said property according to all lines, dedications, restrictions and notations on said maps or plat and hereby dedicate to the use of the public forever, all streets (except those streets designated as private streets), alleys, parks, water courses, drains, easements and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind myself (or ourselves), my (or our) heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public for public utility purposes forever an unobstructed aerial easement five (5) feet in width from a plane twenty (20) feet above the ground level upward, located adjacent to all common use public utility easements shown hereon.

FURTHER, Owners do hereby declare that all parcels of land designated as lots on this plat are originally intended for the construction of _____ thereon and shall be restricted for same under the terms and conditions of such restrictions filed separately.

ADDITIONAL PARAGRAPHS TO BE ADDED AS APPROPRIATE

When plat contains natural drainage ways such as bayous, creeks, gullies, ravines, draw or drainage ditches:

FURTHER, Owners do hereby dedicate to the public a strip of land fifteen (15) feet wide on each side of the high bank of any and all bayous, creeks, gullies, ravines, draws, sloughs, or other natural drainage courses located and depicted upon in said plat, as easements for drainage purposes, giving the City of La Porte, Harris County, or any other governmental agency, the right to enter upon said easement at any and all times for the purposes of construction and maintenance of drainage facilities and structures.

FURTHER, Owners do hereby covenant and agree that all of the property within the boundaries of this plat and adjacent to any drainage easement, ditch, drainage ways and easements clear of fences, buildings, and other obstructions to the operations and maintenance of the drainage facility and that such abutting property shall not be permitted to drain directly into this easement except by means of an approved drainage structure.

When plat indicated building setback lines and public utility easements are to be established in adjacent acreage owner by the subdivider:

FURTHER, Owners do hereby certify that I am (or we) the owners of the property immediately adjacent to the boundaries of the above foregoing plat of (name and subdivision) where building setback lines or public utility easements are to be established outside the boundaries of the above and foregoing plat and do hereby make and establish all building setback lines and dedicate to the use of the public forever all public utility easements shown in said adjacent acreage.

When private streets are established within the plat:

FURTHER, Owners do hereby covenant and agree that those streets located within the boundaries of this plat specifically noted as private streets, shall be hereby established and maintained as private streets, by the owner, heirs, successors and assigns to property located within the boundaries of this plat and always available for the general use of said owners and to the public for firemen, firefighting equipment, police and the other emergency vehicles of whatever nature at all times and do hereby bind myself (or ourselves), my (or our), heirs (or) successors and assigns to warrant and forever defend the title to the land so designated and established as private streets.

To be used when the subdivision is within the Extraterritorial Jurisdiction of the City of La Porte:

FURTHER, Owners certify and covenant that they have complied with or will comply with the existing Harris County Road Law, Section 31-C as amended by Chapter 614, Acts of 1973, 63rd Legislature and all other regulations heretofore on file with the Harris County Engineer and adopted by the Commissioner's Court of Harris County.

When replatted under the provisions of Section 212.014 Texas Local Government Code:

FURTHER, the Owners hereby certify that this replat does not attempt to alter, amend, or remove any covenants or restrictions; I, (we) further certify that no portion of the proposed area to be replatted is limited by deed restriction to residential use for not more than two (2) residential units per lot.

When replatted under the provisions of Section 212.014, Texas Local Government Code:

FURTHER, the Owners certify that this replat does not attempt to alter, amend or remove any covenants or restrictions.

When owner is an individual or individuals

WITNESS my (or our) hand in the City of _____, _____, this ____ day of _____, 20____.

(Name of Owner/s)

When owner is a company of corporation

In TESTIMONY WHEREOF, the (Name of company) has caused these presents to be signed by (Name of President), its President thereunto authorized, attested by its Secretary (or authorized trust officer), (Name of Secretary of authorized trust officer), and its common seal hereunto affixed by this _____ day of _____, 20____.

By: _____
(Name – President of Authorized Agent)
(Name of Company)
(Title)

ATTEST:

By: _____
Name – Secretary or Authorized Trust Officer)
(Title)

(Affix Corporate Seal)

(Include Notary Acknowledgement)

❖ ***Harris County Clerk Filing Statement:***

I, (name of County Clerk), Clerk of County of Harris, do hereby certify that the within instrument with the certificate of authentication was filed for registration in my office on _____, 20__, at _____ o'clock __M., and duly recorded on _____, 20__, at _____ o'clock __M., and in Film Code No. _____ of the map records of Harris County for said county.

Witness my hand and seal of office, at Houston, the day and date last above written.

(Name of County Clerk)
County Clerk
Of Harris County, Texas

By: _____
Deputy

❖ ***Plat Accuracy Certificate:***

I, (name of engineer or surveyor), am registered under the laws of the State of Texas to practice the profession of engineering (or surveying) and hereby certify that the above plat is true and correct; and that all bearings, distances, angles, curve radius, and central angles are accurately shown on the plat.

By: _____
(Name of Engineer or Surveyor)

Texas Registration No. _____

(Affix Seal)

❖ ***Plat Final Survey Certificate:***

I _____ (name of surveyor) _____, registered under the laws of the State of Texas to practice the profession of land surveying, do hereby certify that this plat accurately represents the results of a survey performed under my supervision and that all boundary corners, single points and points of curve have been, or will be, marked with five- eights inch iron rods not less than thirty (30) inches in length and that this plat (site plan) complies with the requirements as specified in the City of La Porte Development Ordinance.

By: _____
(Name of Engineer or Surveyor)

Texas Registration No. _____

(Affix Seal)

❖ ***Notary Acknowledgement:***

STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared (Names of persons signing the plat, owners, and corporation officers), (corporation titles if appropriate, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledgement to me that they executed the same for the purposes and considerations therein expressed (add for corporations, “and in the capacity therein and herein stated, and as the act and deed of said corporation.”).

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this ____ day of _____, 20____.

My Commission Expires _____

(Signature of Notary Public) _____

Notary Public in and for the State of _____

(Affix Notary Seal)

❖ ***Special plat statements to appear when appropriate on subdivision plats:***

When any portion of land within the plat boundary lies inside a Flood Hazard Zone Area:

“Some land within this subdivision lies in a Flood Hazard Area. Such lands are subject to an increased chance of flooding and the City of La Porte places stricter requirements on

development therein through the La Porte Flood Hazard Prevention Ordinance. Flood Hazard Area on this plat are shown as shaded.”

When the plat contains public street rights-of-way bordering on unrestricted reserves or unplatted acreage:

“A one foot reserve is hereby established within the street right of way adjacent to all unrestricted reserves or unplatted acreage. Said one foot reserve shall be dedicated to the public and shall be removed and thereafter be vested in the public for street right-of-way purposes only upon proper platting of the adjacent unrestricted reserve or acreage.”

❖ ***City Approving Authority Certificate:***

Administrative Plat:

This is to certify that the City of La Porte, Texas, has approved this plat and subdivision of _____ (Name of Subdivision Plat) _____ in conformance with the laws of the State of Texas and the ordinances of the City of La Porte and authorized the recording of this plat on _____ day of _____, 20____.

By: _____
Director, Planning and Development

City Planner

City Engineer

Major Subdivision Plat:

This is to certify that the Planning and Zoning Commission of the City of La Porte, Texas, has approved this plat and subdivision of _____ (Name of Subdivision Plat) _____ in conformance with the laws of the State of Texas and the ordinances of the City of La Porte and authorized the recording of this plat on _____ day of _____, 20____.

By: _____
Chair, Planning and Zoning Commission

ATTEST:

By: _____
Secretary, Planning and Zoning Commission

By: _____
Director, Planning and Development

City Planner

City Engineer

❖ ***Amending Plat Certificates:***

I _____ (name of surveyor) _____, hereby certify that the following corrections were necessary to eliminate errors which appear on the plat of _____ (name of subdivision) _____, recorded on _____ (date and month) _____, _____ (year) _____, in Volume _____ (number) _____, page _____ (number) _____ (or where applicable film code numbers) of the map records of Harris County, Texas:

(Provide a brief explanation of corrections required.)

By: _____
(Name of Engineer or Surveyor)

Texas Registration No. _____

(Affix Seal)

I (we), _____ (names(s) or owner(s)) _____, owner(s) of the property directly affected by this amending plat, being lot(s) _____ (number) _____ out of the block(s) _____ (number) _____ as indicated hereon, do hereby consent to this amending plat for the purposes herein expressed.

(Name of Owner)

(Repeat as necessary.)

❖ ***Vacating Plat Certificates:***

STATE OF TEXAS

COUNTY OF HARRIS

KNOW ALL MEN BY THESE PRESENTS:

I (we), _____ (names(s) or owner(s)) _____ or _____ (name of president and secretary or authorized trust officer of a company or corporation) _____, being the sole owner (owners) and

proprietor of the following described property in the City of La Porte, Harris County, Texas, to-wit:

(Provide legal description of the property including, but not limited to, the acreage, the name of the recorded subdivision, the name of the Survey and Abstract Number, and recording references.)

Do hereby desire and declare that said plat, subdivision and dedication thereon be vacated and cancelled so as to convert all of said platted property to acreage tracts as same existed before such property was platted, subdivided and recorded.

(At this point any rights-of-way, easements or any other feature established in the subdivision being vacated which will not be cancelled as a result of this vacation action should be described.)



April 21, 2016

Honorable Mayor Rigby and City Council
City of La Porte

RE: Proposed Amendments to the city's Development Ordinance (Ordinance No. 1444)

Dear Mayor Rigby and City Council:

The La Porte Planning and Zoning Commission held a public hearing at the March 17, 2016 meeting to consider a recommendation of approval on proposed modifications to Ordinance No. 1444, more commonly known as the City of La Porte Development Ordinance. The Development Ordinance was originally adopted on June 10, 1985, and has been the subject of numerous amendments and revisions. The Development Ordinance includes provisions both regulating and establishing a review process for subdivisions, site plans and other development-related requirements. The proposed modifications also include codifying the regulations as part of Chapter 86 of the City of La Porte's Code of Ordinances.

The Commission voted unanimously to recommend approval of the provisions as included in the drafted ordinance presented in the Request for City Council Agenda Item.

Respectfully submitted,

Hal Lawler
Chairman, Planning and Zoning Commission

cc: Tim Tietjens, Director of Planning and Development
Department File